

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY *[Signature]*
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D.C.

UNITED STATES OF AMERICA,
Plaintiff,

*

*

v.

JIMMY GENE BRUMLEY,
Defendant.

*

*

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

CR. NO. 04-10048-T

MOTION TO CONTINUE SENTENCING

Comes now the Defendant and moves that the sentencing presently scheduled for Thursday, September ¹⁵ 16, 2005 be continued. In support of this Motion movant would state:

1. Defendant has pled guilty in a two count indictment alleging a violation of 21 USC 841(a)(1). Based upon Defendant's prior criminal history, the pre-sentence report recommends that he be qualified as a 'career offender' and that the appropriate sentence range is therefore 151-188 months after recommended adjustments.
2. Defendant remains in custody and is the only defendant in this matter.
3. Defense counsel is scheduled to be out of the office the week of September 12-16, 2005. Counsel's child is having surgery on September 12th and it is anticipated that he will be unable to return to day care for at least one week following such surgery.
4. Defense counsel has notified government counsel of the filing of this motion. There is no opposition to the relief requested.

Premises considered, Defendant moves that the sentencing be continued until Monday, October 10, 2005 or thereafter for the grounds set forth above.

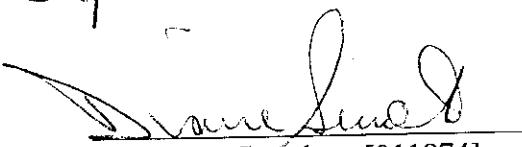
This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCrP on 09-13-05

MOTION GRANTED
DATE: 8 September 2005

James D. Todd
James D. Todd
U.S. District Judge

35

Respectfully submitted, this the 8 day of Sept 2005.

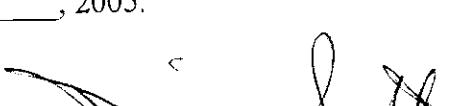

M. Dianne Smothers [011874]
Assistant Federal Defender
109 S. Highland Ave., Rm. B-8
Jackson, TN 38301
Phone: (731)427-2556

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing was served upon all interested parties by either hand delivery or by mailing same, postage prepaid to the following:

Mr. Jerry Kitchen
Assistant United States Attorney
109 South Highland, Suite 300
Jackson, Tennessee, 38301

This the 8 day of Sept, 2005.


M. Dianne Smothers



Notice of Distribution

This notice confirms a copy of the document docketed as number 35 in case 1:04-CR-10048 was distributed by fax, mail, or direct printing on September 13, 2005 to the parties listed.

M. Dianne Smothers
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Jerry R. Kitchen
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Honorable James Todd
US DISTRICT COURT